

## Message Text

CONFIDENTIAL

PAGE 01 MEXICO 01781 280046Z

11

ACTION ARA-20

INFO OCT-01 ISO-00 L-03 PM-07 SCS-03 SCA-01 RSC-01 DRC-01

/037 W

----- 060168

R 272350Z FEB 74

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 393

INFO COMELEVANTH NAVDIST SAN DIEGO CA

JAG NAVY DEPT WASHDC

C O N F I D E N T I A L MEXICO 1781

E.O. 11652: GDS-80

TAGS: MIL/CASC/MX

SUBJECT: TRIAL OBSERVERS

REF: A. SECNAVINST 5820.4C

B. COMMANDANT ELEVENTH NAVAL DISTRICT LTR

5820 SER OJ/82, 8 FEB 74. (NOTAL)

C. JAG NAVY DEPT MESSAGE N05820, 251513Z FEB 74 (NOTAL)

1. REF A STIPULATES THAT CERTAIN DEFENSE ATTACHES (DATTS) ARE DESIGNATED COMMANDING OFFICERS IN CASES INVOLVING TRIAL OF US ARMED FORCES PERSONNEL IN FOREIGN COURTS. IT FURTHER ASSIGNS RESPONSIBILITIES TO DATTS FOR PROVIDING TRIAL OBSERVERS AT SUCH TRIALS, TO INSURE THAT TRIALS ARE FAIR BY US STANDARDS, TO ADVISE DEFENSE COUNSEL, AND TO SUBMIT POST TRIAL REPORTS INTER ALIA.

2. PURSUANT TO REF A, REF B NOMINATED TO ORIG TWO NAVY JAG OFFICERS TO BE TRIAL OBSERVERS IN MEXICAN COURTS. THIS IS THE FIRST SUCH NOMINATION IN EMBASSY RECORDS. WHILE THE EMBASSY WILL CONTINUE TO TAKE EVERY PRECAUTION TO SAFEGUARD THE RIGHTS OF US SERVICEMEN IN MEXICAN COURTS, IT IS NOT FELT THAT THE APPOINTMENT OF US MILITARY OFFICERS TO OBSERVE AND REPORT ON MEXICAN COURTS IS APPROPRIATE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MEXICO 01781 280046Z

3. COURT PROCEDURE IN MEXICO IS RADICALLY DIFFERENT FROM THAT IN US COURTS, AND DOES NOT LEND ITSELF TO THE TYPE OF COURT OBSERVER CONTEMPLATED IN REF A. AT PRESENT, AMERICAN CONSULS IN MEXICO INSURE THE RIGHTS OF ALL AMERICAN CITIZENS IN COUNTRY ARE SAFEGUARDED, AND PROVIDE FOR APPOINTMENT OF LEGAL REPRESENTATION WHEN NECESSARY. THE EMBASSY FEELS THAT THE PRESENCE OF A US MILITARY OFFICER IN MEXICAN COURTS FOR PURPOSE DELINEATED IN REF A MIGHT WELL BE CONSTRUED BY GOM AS AN INTRUSION INTO ITS SOVEREIGNTY AND PROBABLY RESENTED BY JUDGE AND DEFENSE COUNSEL ALIKE TO THE POSSIBLE DETRIMENT OF THE ACCUSED. FURTHER, THE EMBASSY FEELS THAT MEXICAN COUNSEL RETAINED BY EMBASSY IS BEST ABLE TO ADVISE ON PROCEDURAL PROPRIETY IN MEXICAN COURTS.

4. REQUEST DEPARTMENT DISCUSS PROCEDURE OF APPOINTING US MILITARY JAGS TO OBSERVE MEXICAN COURTS WITH DOD GENERAL COUNSEL AND/OR SERVICE JAGS. IF CHANGE IN CURRENT PROCEDURE IS CONSIDERED NECESSARY, RECOMMEND DOD INITIATE REQUEST THROUGH SECSTATE TO OBTAIN GOM APPROVAL FOR US MILITARY TRIAL OBSERVERS TO SIT IN MEXICAN COURTS, AND THAT DEGREE TO WHICH SUCH TRIAL OBSERVERS REPRESENT THE USG BE FULLY CLARIFIED.

5. FOR NAVY JAG. THIS ANSWERS REF C.  
JOVA

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY PERSONNEL, ARRESTS, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 FEB 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974MEXICO01781  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** n/a  
**From:** MEXICO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t1974026/aaaaafdb.tel  
**Line Count:** 87  
**Locator:** TEXT ON-LINE  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** A. SECNAVINST 5820.4C  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17 SEP 2002 by boyleja>; APPROVED <09 DEC 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TRIAL OBSERVERS  
**TAGS:** MILI, CASC, MX, US  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005